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ORANGE COUNTY DEPARTMENT OF  
EDUCATION

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11  
12 B.P., A MINOR BY AND  
13 THROUGH HER FORMER  
14 COURT APPOINTED  
RESPONSIBLE ADULT, SL.,

Plaintiff,

v.

16 ORANGE COUNTY  
17 DEPARTMENT OF EDUCATION,  
18 CALIFORNIA OFFICE OF  
19 ADMINISTRATIVE HEARINGS,  
20 CALIFORNIA DEPARTMENT OF  
EDUCATION, and DOES 1  
THROUGH 10,

Defendants.

Case No. SACV09-00971 JVS (MLGx)  
The Honorable James V. Selna,  
United States District Judge

**JUDGMENT**

Date: May 3, 2010  
Time: 3:00 p.m.

1 This action was heard by the Court on May 3, 2010, on the following  
2 Motions:

- 3 • Plaintiff B.P., *et al.*'s Motion for Summary Judgment;
- 4 • Defendant/Cross-Claimant Orange County Department of Education's  
5 ("OCDE") Motion for Summary Judgment; and
- 6 • Defendant California Department of Education's ("CDE") Motion for  
7 Summary Judgment.

8 All parties appeared through counsel, as reflected by the record. The Court  
9 issued an order on May 3, 2010, GRANTING OCDE's Motion, GRANTING B.P.'s  
10 Motion, in part, and DENYING CDE'S Motion.

11  
12 In accordance with the Court's May 3, 2010 Order, the Court hereby ENTERS  
13 JUDGMENT as follows:

14  
15 1) Judgment is entered in favor of OCDE, in favor of B.P. as against  
16 CDE only, and against CDE;

17 2) The Decision rendered by the administrative law judge following the  
18 May 22, 2009 hearing of the Office of Administrative Hearings ("OAH") in  
19 Consolidated Case Nos. 200812021 and 2009020130 is hereby reversed, in part,  
20 with respect to its finding that CDE was not responsible for implementing and  
21 funding B.P.'s education following her release from the Orange County Juvenile  
22 Hall on July 28, 2006 through the present;

23 3) CDE is the entity entirely responsible for implementing and funding  
24 B.P.'s educational program, consistent with her individual education program and  
25 all that it encompasses, for the period of July 28, 2006 through her twenty-second  
26 birthday, including B.P.'s out-of-state placement at the residential treatment  
27 facilities at Copper Hills (Utah) and Devereux (Texas), as well as any other  
28 subsequent placement made by B.P.'s IEP team;

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4) As of July 28, 2006, OCDE did not have, and OCDE does not now have, any obligation to implement or fund any portion of B.P.'s educational program, including her out-of-state placements at the residential treatment facilities at Copper Hills and Devereaux;

5) CDE is ordered to reimburse OCDE in the amount of \$87,424.79 for the educational costs that OCDE has expended for B.P.'s educational program from July 28, 2006 through the present;

6) OCDE is the prevailing party for purposes of the underlying administrative action and the instant appeal thereof;

7) B.P. is the prevailing party as against CDE only for purposes of the underlying administrative action and the instant appeal thereof;

8) OCDE and B.P. shall recover their reasonable costs of suit herein as against CDE;

9) This Court retains jurisdiction over the parties to the extent necessary to allow OCDE to obtain reimbursement from CDE, as described herein; and

10) This Court retains jurisdiction over the parties to the extent necessary to allow B.P. to obtain prevailing party attorney's fees from CDE pursuant to the Individuals with Disabilities Education Act for purposes of the underlying administrative action and the instant appeal hereof.

Dated: July 08, 2010



By: \_\_\_\_\_  
HON. JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE